

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CR-80173-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM SPEARMAN,
Defendant.

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UNOPPOSED MOTION TO CONTINUE TRIAL AND
PRETRIAL MOTION DEADLINES

COMES NOW, the Defendant, WILLIAM SPEARMAN, by and through the undersigned counsel, and requests this Court continue the trial currently scheduled for April 24, 2023 and the pretrial motions deadline of March 6, 2023. As grounds, he states:

1. The government has charged Mr. Spearman and three other defendants (Malcolm Good, Matthew Garrell, and Robert Boyles) in a three-count second superseding indictment with conspiracies to advertise and distribute child pornography. [DE 38]. The government has also charged Mr. Spearman with engaging in a child exploitation enterprise. [DE 38]. If convicted as charged, Mr. Spearman faces a minimum of 20 years in prison and a maximum of life in prison as well as multiple felony convictions, sex offender registration, and supervised release. Mr. Good, Mr. Garrell, and Mr. Boyles face the same penalties except their minimum sentence is 15 years' imprisonment and

maximum sentence is 50 years' imprisonment. Indeed, the consequences of conviction are very serious.

2. The government's investigation lasted several years and discovery has been voluminous. It includes hours of recorded interviews and thousands of pages of reports and records. As of the date of this motion, undersigned counsel and Mr. Spearman have nearly completed their review of that discovery.
3. However, undersigned counsel is investigating all potential trial defenses on behalf of Mr. Spearman, **including any mental health defenses**. The investigation into viable mental health defenses will take several months to complete.
4. Mr. Spearman, a long-time military veteran, suffers from significant mental health issues requiring undersigned counsel to obtain and review extensive military and mental health records. Several requests for records are outstanding and undersigned counsel expects it will take weeks to several (3-4) months to receive a complete response to these requests. Undersigned counsel is also working with forensic doctors who will need to review these records, the aforementioned discovery, and conduct in-person evaluations of Mr. Spearman.
5. Undersigned counsel does not expect to be ready for trial by April 24, nor does he expect to be able to comply with this Court's March 6 deadline to file pretrial motions, which, under Fed. R. Crim. P. 12.2(b)(2), would also require he provide notice of intent to use a mental health defense by that date.

6. Mr. Spearman also notes the government only recently added Mr. Garrell and Mr. Boyles to the indictment. [DE 38]. The government arrested both men out-of-district and neither has arrived in the Southern District of Florida. The government only added them to the indictment on February 16, 2023.
7. Additionally, the government has advised undersigned counsel they have other targets of this investigation and hope to resolve those investigations, possibly adding them as co-defendants in the coming months.
8. Counsel for Mr. Good has likewise advised he is investigating all potential trial defenses on behalf of Mr. Good, **including any mental health defenses**. The investigation into viable mental health defenses will take several months to complete as well.
9. For all of these reasons, Mr. Spearman requests this Court continue the April 24 trial date and the March 6 pretrial motion deadline.
10. In light of the pending arrival of the new codefendants as well as the potential arrests of additional codefendants, Mr. Spearman suggests that, rather than simply resetting the trial and motion deadline by order, this Court cancel the trial date and motion deadline and schedule a status hearing regarding scheduling in approximately 30-45 days. By this time, Mr. Garrell and Mr. Boyles will likely be present in the district, have counsel and the Court can set a trial date that is suitable for all counsel without the necessity of further delay.

11. Alternatively, Mr. Spearman requests a trial date in either August or September with a pretrial motion deadline in June or July.
12. Undersigned counsel has consulted with AUSA Greg Schiller and DOJ Trial Attorney Kyle Reynolds who do not oppose this motion based upon the undersigned's declarations. Undersigned counsel has also consulted with co-defendant, Mr. Good's counsel, Jamie Benjamin, who is in agreement with this motion and joins in the request.
13. Mr. Spearman and Mr. Good agree to exclude from the speedy trial calculation any time between the date of this motion and the date of any future calendar call this Court ultimately sets if it grants this request.

WHEREFORE Defendant respectfully requests the Court to grant the above-styled motion.

Respectfully submitted,

MICHAEL CARUSO
FEDERAL PUBLIC DEFENDER

s/ Scott Berry
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CERTIFICATE OF SERVICE

I HEREBY certify that on February 23, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/Scott Berry
Scott Berry